

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROCKVALE OUTLET  
CENTER, LP,

Plaintiff

v.

WACHOVIA COMMERCIAL  
MORTGAGE SECURITIES, INC.,  
et al.,

Defendants

CIVIL ACTION

NO. 09-00290

**FILED**

JUL 28 2009

MICHAEL E. KUNZ, Clerk  
By                      Dep. Clerk

ORDER

AND NOW, this 27<sup>th</sup> day of July, 2009, upon consideration of defendant's motion to dismiss (Document # 35) and plaintiff's response thereto (Document # 39), it is hereby **ORDERED** that the motion is **DENIED**.

BY THE COURT:

                      
LAWRENCE F. STENGEL, J.